



Inside Pretreatment Newsletter

March 25, 2010 (Number 34)

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Please forward this Newsletter to Other POTWs. Over 930 subscribers.

Up-to-Date News Items

Job Announcements and Interesting Information: Go to the CWACS website and click on the “News and Meetings” tab at the top of the page.

Michigan Amalgam Separator Law Update: Coming in April Newsletter (and at the NACWA Conference in May).

Methylmercury: I will ask EPA about this at the NACWA Conference.

Upcoming Training for POTW Pretreatment Staff

Fort Smith, Arkansas, April 6-7, 2010: Local Limits and Inspecting Industrial Users.

Registration Deadline: March 30, 2010.

Grand Junction, Colorado, May 24, 2010: Various pretreatment topics. POTWs only. Free.

Minneapolis, Minnesota, June 22-23, 2010: Local Limits and Inspecting Industrial Users.

All training is limited to smaller groups (generally 30 or less) to facilitate discussion. For more information and registering, please go to the CWACS website and click on the Training Courses tab.

Enforcement Case Study - Ongoing

Related Newsletters: EPA’s CWA Enforcement Action Plan (November 4, 2009), January 13, 2010, and 2/8/10. All of the documents or information for this case study are publicly available on the web or requested under the various freedom of information requests. Since this is “real-

time”, the information in the forthcoming newsletters may vary in detail. I am not using the name of the POTW, state or EPA Region unless a formal enforcement action is filed or the City asks me to identify them.

In the last newsletter I listed the RNC and SNC criteria used to evaluate a pretreatment program’s compliance. I also summarized the audit findings for the POTW. There were quite a few areas that the State identified as a failure to implement and/or a failure to enforce. The State found that several of the violations were repeat failures as cited in previous audit reports.

POTW Response: Required Actions Dates for Compliance

The following are the compliance dates that the municipality has provided to the State. We will follow these dates in future newsletters:

1. Update Ordinance: Final draft of ordinance to be provided by July 1, 2010.
2. Update procedures to implement the City ordinance and 40 CFR Part 403 (IWS, Reporting, Inspections, self-monitoring, enforcement): April 1, 2010.
3. Identify and classify all IUs and SIUs: May 1, 2010.
4. Update permits for TTO requirements: May 1, 2010.
5. Update permits for spill plans: July 1, 2010.
6. Submit plan for local limits update: April 1, 2010.
7. Submit approvable local limits: December 31, 2010.
8. Develop procedures to inspect and randomly sample and analyze the industrial user effluent to identify noncompliance with Pretreatment Standards. March 1, 2010.

I am just starting to put together recent pretreatment enforcement case information. I will be asking EPA and the states for some basic information. Here are some of the EPA cases I have found so far:

Final Cash	Final SEP	Year (Final Action Filed)	State	Type of Action	Violations (Failure to)
\$8,500	\$33,375	2001	MT	APO	Issue permits, inspect IUs, review SMRs, enforce, implement ERP, public participation, adequate resources
\$59,000		2002	ND	APO	Update legal authority, local limits, evaluate environmental compliance for an IU
\$30,000		2004	MA	APO	Local limits, issue permits, exceeded chlorine
\$27,000		2005	MA	APO	Issue permits
\$300,000	\$700,000	2006	NY	Judicial	Failure to implement
\$12,100		2003	NY	APO	Inspecting IUs, implement ERP, making required records available.
\$3,000		2003	NY	APO	Annual Report submitted late

\$5,000		2003	PR	APO	Local limits
\$5,000		2003	PR	APO	Local limits
\$8,000		2003	PR	APO	Local limits
\$8,000		2003	PR	APO	Local limits
\$8,000		2003	PR	APO	Local limits
\$119,500	\$565,000	2004	PA	Judicial	NPDES effluent limits, unspecified pretreatment violations
\$3,750		2003	PA	APO	NPDES effluent limits, issue IU permits
\$150,000	\$2,500,000	2003	IN	Judicial	NPDES effluent limits, PCB Rules, Surcharging IUs
\$14,850	\$140,000	2001	TX	APO	Implementation
\$87,500		2001	MO	APO	NPDES and pretreatment violations
\$20,000		2001	ID	APO	Not Specified

APO: Administrative Penalty Order
SEP: Supplemental Environmental Projects

Note: Some of these actions included NPDES permit violations. There were some cases where the specific pretreatment violation(s) was not specified. The date of the case is the year the formal action was filed or was settled or reflected the fiscal year of the docket number. There was a wide variation on how each EPA region enters data.

NACWA
2010 National Pretreatment & Pollution Prevention Workshop
May 19-21, 2010
Phoenix, Arizona
www.NACWA.org

EPA/Region 8 Pretreatment Association
Annual Pretreatment Workshop
May 25-27, 2010
Grand Junction, CO
www.R8PA.com

Consortium for Research and Education on Emerging Contaminants (CREEC)
Next Meeting (Tentative): June 10, 2010: Golden, Colorado
Please go to: www.CREEC.net to learn more about the meeting and to become a member of this organization.

EPA Region 6 Pretreatment Association
Annual Pretreatment Workshop
August 2-6, 2010
Dallas/Ft Worth, TX
www.RegionVIPretreatmentAssociation.org/

Employee charged with dumping electroplating wastes to POTW

1/14/10. Portsmouth Herald ran a story on this (Elizabeth Dinan).

An employee (chemist) for an electroplating company is charged with knowingly and willfully falsifying reports on what was dumped to the Seabrook POTW. This comes from the U.S. Attorney's office (US Attorney Robert Kinsella). The individual covered up by trick, scheme and device, the amount of cadmium, copper, nickel and zinc that was discharged to Seabrook's POTW between August of 2004 and August of 2008. That is terminology used in criminal cases. The chemist is employed by Aero Dynamics, who provides electroplating and metal finishing services to major defense contractors (e.g. Boeing, G E Aircraft, Honeywell, Lockheed Martin, Rolls Royce, General Dynamics, Ratheon and Bell Helicopter).

Editorial: I sent several emails to the DOJ office and the EPA CID SAC and never received any response (don't believe in increased transparency) I did not do a formal FOIA. I did ask why they charged the employee and not the company (that question apparently was not welcomed). To not charge the company, in addition to the employee, is strange based upon other pretreatment cases I have been involved with or reviewed. I wanted to call a couple of EPA CID agents directly, but decided since their management lips were sealed, it would be unfair to put them in a position to ask/answer these questions (though I always provide anonymity). What is unique about this case and the employee and Aero Dynamics?

CWACS offers a full range of pretreatment program support activities. Please ask us for a bid on your next project and include us on your list for future Request for Proposals (RFPs). CWACS offers support on an hourly and project basis. Visit our website or download a [brochure here](#).

Newsletters reflect the opinions of CWACS. They are not intended to change what a specific POTW, state or EPA may require.

Curt McCormick
CWA Consulting Services, LLC

www.CWACS.com
Curt@CWACS.com

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